

AMENDED IN SENATE APRIL 21, 2003

AMENDED IN SENATE APRIL 7, 2003

SENATE BILL

No. 711

Introduced by Senator Kuehl

(~~Coauthor: Assembly Member~~ *Coauthors: Assembly Members
Hancock and Lieber*)

February 21, 2003

An act to add Section 21080.06 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 711, as amended, Kuehl. Environmental quality.

The existing California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a discretionary project that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides some exemptions from its requirements for specified projects.

This bill would require the provisions of CEQA to apply to timberland conversion and oak woodlands conversion. The bill would require the Department of Forestry and Fire Protection, on or before

January 1, 2005, to develop guidelines that establish mitigation criteria for those conversions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21080.06 is added to the Public
2 Resources Code, to read:

3 21080.06. (a) This division applies to an action by the State
4 Board of Forestry and Fire Protection for conversion of
5 timberland, as defined in Section 4526 and as required under
6 Article 9 (commencing with Section 4621) of Chapter 8 of Part 2
7 of Division 4, and for conversion of oak woodlands, as defined in
8 subdivision (h) of Section 1361 of the Fish and Game Code.

9 (b) (1) On or before January 1, 2005, the Department of
10 Forestry and Fire Protection shall adopt regulations pursuant to
11 Chapter 3.5 (commencing with Section 11340) of Part 1 of
12 Division 3 of Title 2 of the Government Code to implement
13 subdivision (a), and for the department to issue a permit for the
14 conversion of oak woodlands *as defined in subdivision (h) of*
15 *Section 1361 of the Fish and Game Code.*

16 (2) The regulations may specify the conditions under which the
17 conversion of 50 acres or less of oak woodlands would not have
18 a significant effect on the environment, and the conditions under
19 which the conversion of three acres or less of oak woodlands
20 would not be subject to this section.

21 (3) The regulations shall provide alternatives that comply with
22 this division for mitigating the conversion of timberland under
23 subdivision (b) of Section 4628.

24 (4) (A) The regulations shall provide alternatives for
25 mitigating the conversion of timberland and oak woodlands that
26 comply with this division.

27 (B) An alternative for mitigating the conversion of timberland
28 pursuant to subparagraph (A) shall include a monetary
29 contribution to the California Forest Legacy Program established
30 under Division 10.5 (commencing with Section 12200) that would
31 be expended pursuant to the California Forest Legacy Program
32 Act of 2002 and the guidelines and criteria of the Wildlife



1 Conservation Board, provided that all of the following conditions
2 are met:

3 (i) The mitigation is consistent with this division and includes
4 at least the same amount as, and provides equivalent biological
5 value as, the acreage proposed for conversion.

6 (ii) The landowner provides funds for an appraisal approved by
7 the department and for acquisition and management of the
8 timberland.

9 (iii) The landowner's monetary contribution is received prior
10 to final approval of the timberland conversion application.

11 (C) An alternative for mitigating the conversion of oak
12 woodlands under subparagraph (A) shall include a monetary
13 contribution to the Oak Woodlands Conservation Fund, as
14 established under subdivision (a) of Section 1363 of the Fish and
15 Game Code, for the purposes specified under subdivision (d) of
16 that section and the guidelines and criteria of the Wildlife
17 Conservation Board, provided that all of the following conditions
18 are met:

19 (i) The mitigation is consistent with this division and includes
20 at least the same amount as, and provides equivalent biological
21 value as, the acreage proposed for conversion.

22 (ii) The landowner provides funds for an appraisal approved by
23 the department and for acquisition and management of the oak
24 woodlands.

25 (iii) The landowner's monetary contribution is received prior
26 to final approval of the oak woodlands conversion application.

27 (c) This section, and the regulations adopted pursuant to this
28 section, may not be construed as a limitation on the power of a
29 public agency to comply with this division or any other provision
30 of law.
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